

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 24-128 are pending in this Application, with Claims 24, 45, 66, 87, and 108 being independent.

The undersigned, inventor Dr. Ricci, and Applicants' Canadian representative, Mr. Omar Nassif, would like to thank Examiner Bui for the cordial and productive interview of September 18, 2003. The Examiners' helpful comments and suggestions were instrumental in preparing this response. Applicants would like to note the Examiner's dedicated professionalism by conducting the interview on a day when the PTO was closed due to hurricane Isabel, and being so well prepared at the interview. The Examiner's performance reflects the highest credit on the PTO and GAU 3731.

Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 34, 41, 52, 54 and 55 of U.S. Patent No. 6,217,608 B1 and over Claims 1, 6, 22, 33, and 49 of U.S. Patent No. 6,375, 677 B1, for the reasons discussed on page two of the Office Action. As discussed at the interview, Applicants respectfully traverse this rejection on the grounds that the now-pending claims are patentably distinct from those of the noted patents.

Claim 1 was rejected as being unpatentable over Roubin, for the reasons discussed on page three of the Office Action. As discussed at the interview, Applicants respectfully traverse all art rejections. Also, Applicants submit herewith certified copies of the priority Canadian applications.

During the interview, Applicants distinguished the claims from the cited art and art submitted with a concurrently-filed Information Disclosure Statement, to include the following U.S. Patents:

4,856,516	Hillstead
5,104,404	Wolff
5,449,373	Pinchasik
5,591,197	Orth
5,607,442	Fischell
5,697,971	Fischell
5,776,161	Globerman
5,824,040	Cox
5,827,321	Roubin
5,836,966	St. Germain
5,843,120	Israel
5,902,332	Schatz
5,922,020	Klein
6,017,362	Lau
6,053,940	Wijay
6,159,237	Alt
6,183,507	Lashinski
6,203,569	Wijay.

As discussed at the interview, each of independent Claims 24 and 45 recites a novel combination of structure and/or function whereby the unexpanded stent includes undulating circumferential portions and longitudinal portions. Flexure regions (or structure) within the longitudinal portions are, in

two dimensions, (i) non-sinusoidal, (ii) isolated with respect to at least one adjacent circumferential portion, and (iii) arcuate. None of the art of record in the case (including those listed above) discloses or suggests the claimed combination of features including those noted above. Accordingly, the salient claimed features of the present invention are fully patentable over the cited art.

As also discussed at the interview, each of independent Claims 66 and 108 recites a novel combination of structure and/or function whereby the stent includes undulating circumferential portions (or struts) and longitudinal portions (or struts). Flexure elements (or structure) in adjacent longitudinal portions (or struts) are located at different distances from said circumferential portions (or struts). None of the art of record in the case (including those listed above) discloses or suggests the claimed combination of features including those noted above. Accordingly, the salient claimed features of the present invention are fully patentable over the cited art.

As further discussed at the interview, each of independent Claims 87 and 108 recites a novel combination of structure and/or function whereby the stent includes undulating circumferential portions (or members) and longitudinal portions (or members). Flexure structure (or members) in adjacent

longitudinal portions (or members) have different shapes. None of the art of record in the case (including those listed above) discloses or suggests the claimed combination of features including those noted above. Accordingly, the salient claimed features of the present invention are fully patentable over the cited art.

Applicants submit that in view of the above amendments and remarks, this application is in condition for allowance, and a notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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